

entitle it to relief. *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957). The Court must view the well-pleaded factual allegations in a light most favorable to the plaintiff, and accept the factual allegations in the plaintiff's complaint as true. *Flood v. New Hanover County*, 125 F.3d 249, 251 (4th Cir. 1997).

ARGUMENT

Since Defendant Han Holding, Inc. is not included in the allegations supporting any of its ten Counts of wrongdoing, the relief requested by Plaintiff may not be granted. Even if all facts as alleged in the Complaint are true and viewed in the light most favorable to the Plaintiff, the Plaintiff has failed to allege any wrongdoing by Defendant Han Holding, Inc. and therefore the relief requested may not be granted. For this reason, all Counts against Defendant Han Holding, Inc. should be dismissed.

CONCLUSION

Since Defendant Han Holding, Inc. is not included in any allegation in Plaintiff's Complaint, all claims against Defendant Han Holding, Inc. should be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief may be granted.

Dated: September 29, 2010.

HAN HOLDING, INC.
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2010 I electronically filed the foregoing with the clerk of the court using the CM/EFC system, which will send electronic notification of such filing to all counsel of record.

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